

Docket: DOC/US/0309
US Pat. Appln. No. 10/748,438

REMARKS

Claims 1-2, 4-6, 8-9, 11-17 and 19-20 are now pending. Claims 10 and 18 have been canceled. Claim 1 is the only independent claim and has been amended herein.

Paragraph 1 of the Action notes that Claim 18 is objected to under 37 CFR 1.75 as it is a substantial duplicate of Claim 4. Claim 18 has now been canceled.

Paragraph 2 of the Action sets out a provisional nonstatutory double patenting rejection of Claims 1, 2, 4-6, 8, 9, 12 and 18 over Claims 1-14, 16-19 and 24 of copending Application 10/966,150, US Publication No. 2005/0205586. However, a telephonic interview on August 14, 2006 with the Examiner later clarified that the double patenting rejection was inappropriate as application 10/966,150 is a CIP of the current application and has a *later filing date* than this application. The Examiner therefore agreed to withdraw the double patenting rejection.

Claims 1-2, 4-6 and 8-20 were rejected under 35 USC 112, second paragraph, as indefinite. Specifically, the Action notes (para. 3 of Action) that "the structure of claim 1 does not clearly set forth the structure of the cavity with respect to boundaries thereof...[h]ow are the drinking straw openings arranged outside the cavity", and also "Claim 10 does not add further set forth any structural details of the beverage container not found in the limitations of claim 1".

In order to eliminate these issues, Claim 1 has been further amended in the manner kindly suggested in the telephone interview on August 14, 2006, and Claim 10 has been canceled.

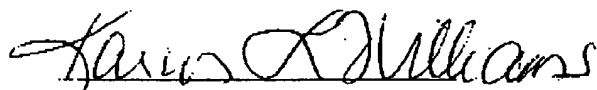
More specifically, Claim 1 now recites a beverage container comprising a compartment having an opening and comprising a cover to be placed on the opening, the cover having an inner component and an outer component detachably connected to the inner component, a cavity being formed *between a portion of the inner component and the outer component connected to the inner component* for receiving at least one object, the cavity comprising two main surfaces being parallel to one another, wherein the two main surfaces of the cavity are at an angle of $0^\circ < \alpha < 90^\circ$ to an opening plane formed by the opening, *the inner component and the outer component further having a planar portion extending substantially parallel to the opening plane of the compartment opening*, wherein the inner component and the outer component each further comprise an aligned drinking straw opening for introducing a drinking straw into the compartment provided with the cover, the drinking straw openings being arranged outside the cavity.

Docket: DOC/US/0309
US Pat. Appln. No. 10/748,438

In light of the foregoing claim amendments and comments, the application is believed to be in condition for allowance. Prompt review and issuance is accordingly requested. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

If there are any fees due and owing in respect to this amendment, the Examiner is authorized to charge such fees to deposit account number 50-1047.

Respectfully submitted,



Karin L. Williams
Registration No. 36,721
Attorney for Applicant
Mayer & Williams PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

(908) 518-7700 Tel.
(908) 518-7795 Fax